

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 196, Page 5, Section 595.209, Line 146, by inserting after all of said
2 section and line the following:

3
4 ~~"[217.785. 1. As used in this section, the term "Missouri postconviction~~
5 ~~drug treatment program" means a program of noninstitutional and institutional~~
6 ~~correctional programs for the monitoring, control and treatment of certain drug~~
7 ~~abuse offenders.~~

8 ~~2. The department of corrections shall establish by regulation the~~
9 ~~"Missouri Postconviction Drug Treatment Program". The program shall include~~
10 ~~noninstitutional and institutional placement. The institutional phase of the~~
11 ~~program may include any offender under the supervision and control of the~~
12 ~~department of corrections. The department shall establish rules determining how,~~
13 ~~when and where an offender shall be admitted into or removed from the program.~~

14 ~~3. Any first time offender who has been found guilty of violating the~~
15 ~~provisions of chapter 195 or 579, or whose controlled substance abuse was a~~
16 ~~precipitating or contributing factor in the commission of his offense, and who is~~
17 ~~placed on probation may be required to participate in the noninstitutional phase of~~
18 ~~the program, which may include education, treatment and rehabilitation programs.~~
19 ~~Persons required to attend a program pursuant to this section may be charged a~~
20 ~~reasonable fee to cover the costs of the program. Failure of an offender to~~
21 ~~complete successfully the noninstitutional phase of the program shall be sufficient~~
22 ~~cause for the offender to be remanded to the sentencing court for assignment to the~~
23 ~~institutional phase of the program or any other authorized disposition.~~

24 ~~4. A probationer shall be eligible for assignment to the institutional phase~~
25 ~~of the postconviction drug treatment program if he has failed to complete~~
26 ~~successfully the noninstitutional phase of the program. If space is available, the~~
27 ~~sentencing court may assign the offender to the institutional phase of the program~~
28 ~~as a special condition of probation, without the necessity of formal revocation of~~
29 ~~probation.~~

30 ~~5. The availability of space in the institutional program shall be~~
31 ~~determined by the department of corrections. If the sentencing court is advised~~
32 ~~that there is no space available, then the court shall consider other authorized~~
33 ~~dispositions.~~

34 ~~6. Any time after ninety days and prior to one hundred twenty days after~~
35 ~~assignment of the offender to the institutional phase of the program, the~~
36 ~~department shall submit to the court a report outlining the performance of the~~

Action Taken _____ Date _____

1 offender in the program. If the department determines that the offender will not
2 participate or has failed to complete the program, the department shall advise the
3 sentencing court, who shall cause the offender to be brought before the court for
4 consideration of revocation of the probation or other authorized disposition. If the
5 offender successfully completes the program, the department shall release the
6 individual to the appropriate probation and parole district office and so advise the
7 court.

8 7. Time spent in the institutional phase of the program shall count as time
9 served on the sentence.]; and

10

11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.